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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 EDWIN GOLDEN,

No. CIV S-03-2379-MCE-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 TOM L. CAREY, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil
18 rights action pursuant to 42 U.S.C. § 1983. On January 19, 2005, the court dismissed plaintiff's
19 first amended complaint with leave to amend and directed plaintiff to file a second amended
20 complaint within 30 days. Plaintiff failed to comply and, on September 22, 2005, the court
21 directed plaintiff to show cause in writing why this action should not be dismissed for lack of
22 prosecution and failure to comply with rules and court order.

23 Plaintiff has filed a response to the court's order to show cause setting forth
24 excusable neglect for failure to file a second amended complaint. The order to show cause will,
25 therefore, be discharged. Plaintiff also seeks additional time within which to file a second
26 amended complaint. That request will be granted.

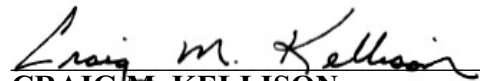
1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The court's September 22, 2005, order to show cause is discharged;

3 2. Plaintiff's request for an extension of time to file a second amended
4 complaint is granted; and

5 3. Plaintiff shall file a second amended complaint, as directed by the court's
6 January 19, 2005, order, within 30 days from the date of service of this order.

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8 DATED: October 17, 2005.

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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